

NEW YORK CITY LAW DEPARTMENT
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CERTIFICATION PURSUANT TO
CHARTER §1043(d)

RULE TITLE: Amendment of Bus Lane Rules

REFERENCE NUMBER: 2013 RG 012

RULEMAKING AGENCY: Department of Transportation

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: August 14, 2013

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400

CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Amendment of Bus Lane Rules

REFERENCE NUMBER: DOT-12

RULEMAKING AGENCY: DOT

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco X. Navarro
Mayor's Office of Operations

August 14, 2013
Date

NOTICE OF PUBLIC HEARING

Subject: Opportunity to comment on Department of Transportation's proposed amendment to the rules relating to bus lanes.

Date / Time: September 25, 2013 / 10:00 a.m.

Location: New York City Department of Transportation
55 Water Street, 8th Floor, Room 809B
New York, New York 10041

Contact: Eric Beaton
Director, Transit Development
New York City Department of Transportation
55 Water Street
New York, New York 10041
(ebeaton@dot.nyc.gov)

Proposed Rule Amendment

Pursuant to the authority vested in the Commissioner of the Department of Transportation by subdivision (a) of Section 2903 of the New York City Charter, and Title 19 of the New York City Administrative Code, and in accordance with the requirements of Section 1043 of the New York City Charter, notice is hereby given that the Department of Transportation proposes to amend Sections 4-12 and 4-08 of Chapter 4 of Title 34 of the Official Compilation of the Rules of the City of New York, the Traffic Rules. The proposed amendment was not included in the Agency's regulatory agenda, as it was not anticipated at the time that the agenda was published.

Instructions

- Prior to the hearing, you may submit written comments about the proposed amendment to Eric Beaton by mail or electronically through rules@dot.nyc.gov, or NYC RULES at www.nyc.gov/nycrules by September 25, 2013.
- Individuals seeking to testify are requested to notify Eric Beaton at the address stated above.
- To request a sign language interpreter or other reasonable accommodation for a disability at the hearing, please contact Eric Beaton by email at ebeaton@dot.nyc.gov by September 18, 2013.
- Written comments and a summary of oral comments received at the hearing will be available after the hearing by writing to the New York City Department of Transportation, Record Access Office, 55 Water Street, New York, NY 10041.

STATEMENT OF BASIS AND PURPOSE

The Commissioner of the New York City Department of Transportation is authorized to promulgate rules regarding streets and highways in New York City pursuant to Section 2903 of the New York City Charter.

Although New York City has the highest bus ridership in the United States, it also has the slowest bus speeds in the country. To improve bus speeds, the City has installed a series of restricted "bus lanes", intended for the exclusive use of buses. As the bus lane network has grown, and new bus lane designs have been installed, the Department has found that existing bus lane rules do not provide sufficiently clear instructions as to what other vehicles can legally do within or approaching and exiting a bus lane. Additionally, the existing rule does not clearly prohibit non-motorized vehicles, including horse-drawn carriages, from using bus lanes.

By expanding and updating the bus lane rules, which establish the prohibitions associated with bus lanes, the proposed rule will:

- Improve bus speeds by helping keep bus lanes clear
- Reduce confusion by other street users about what activities can legally take place in a bus lane
- Clarify the rules regarding “offset” bus lanes, which allow parking or other curb access between the bus lane and the curbside.
- Increase the Department rules’ specificity about where the bus lane may be legally used by non-bus vehicles to access right turns or gain curb access.

New text is underlined, and deleted material is in [brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this office, unless otherwise specified or unless the context clearly indicates otherwise.

§1. Paragraph 1 of Subdivision (f) of Section 4-08 of Title 34 of the Rules of the City of New York is amended to read as follows:

(1) Double parking. On the roadway side of a vehicle stopped, standing, or parked at the curb, except a person may stand a commercial vehicle alongside a vehicle parked at the curb at such locations and during such hours that stopping, standing, or parking is not prohibited, while expeditiously making pickups, deliveries or service calls, provided that there is no unoccupied parking space or designated loading zone on either side of the street within 100 feet that can be used for such standing, and provided further that such standing is in compliance with the provisions of §1102 of the State Vehicle and Traffic Law. A person may stand a commercial vehicle along the roadway side of a bicycle lane provided all other conditions of this paragraph are met. No person may stand a commercial vehicle in or along the roadway side of a bus lane, unless otherwise indicated by posted signs, markings or other traffic control devices, or at the direction of a law enforcement officer or other person authorized to enforce this rule. For the purposes of this paragraph (f)(1), "expeditiously making pick-ups, deliveries or service calls" shall mean that any period of inactivity at the pick-up, delivery or service-call location does not exceed 30 minutes. However, such definition shall in no way limit the discretion of the Department of Finance Adjudication Tribunal to determine whether a violation of this paragraph has occurred.

§2. Subdivision (m) of Section 4-12 of Title 34 of the Rules of the City of New York is amended to read as follows:

Bus lane restrictions on city streets. When signs are erected giving notice of bus lane restrictions, no person shall drive a vehicle other than a bus within a designated bus lane during the restricted hours [specified], except:

- (1) to [that a person may] use such bus lane in order to make the first available right hand turn where permitted into a street, private road, private drive, or an entrance to private property in a safe manner; or [when necessary to avoid conflict with other traffic or at the direction of a law enforcement officer.]
- (2) to approach to or leave the curbside space, unless standing or stopping at the curb is prohibited by sign or rule; or
- (3) temporarily to enter or leave the bus lane for the purpose of and while actually engaged in expeditiously receiving or discharging passengers, except when such activity is prohibited by signs or rules; or
- (4) to avoid an obstacle which obstructs the roadway and leaves fewer than ten feet of roadway width available for the free movement of vehicular traffic (except for temporary situations such as slow moving traffic and vehicles loading refuse); or
- (5) to comply with the direction of any law enforcement officer or other person authorized to enforce this rule.

With respect to the exceptions in paragraphs one through four of this subdivision, a vehicle may not be operated in the bus lane during restricted hours for more than one block or two hundred feet, whichever is less. The preceding sentence does not apply where posted signs, markings or other traffic control devices indicate otherwise.

With respect to the exceptions in paragraphs two through five of this subdivision, a vehicle must exit the bus lane at the nearest opportunity where it is safe and legal to do so.

Notwithstanding any other provision of these rules, no person may drive a vehicle within a designated bus lane in a manner that interferes with the safety and passage of buses operating thereon.

The same rights and restrictions that apply to vehicles pursuant to this subdivision also apply to horse-drawn vehicles and devices moved by human power.

[Notwithstanding any provision of this subdivision, no person shall drive a vehicle other than a bus in the bus lane on Madison Avenue for the purpose of making a right hand turn during the restricted hours specified by sign between 42nd street and 59th street. During such restricted hours, the first permissible right hand turn for vehicles other than buses is at 60th street, except that a taxicab carrying a passenger may use the bus lane to make a right hand turn at 46th street.]